



March 18, 2011

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554
Via Electronic Filing

Re: *Ex Parte* Presentation, WC Docket No. 07-245; GN Docket 09-51

Dear Ms. Dortch:

The record in the above captioned proceeding is replete with many specific examples of the harm caused by the lack of clarity in the rights of wireless attachers to utility poles. Wireless attachers, including providers of Distributed Antenna Systems ("DAS"), are denied the right to attach, are charged monopoly rates, and can be subject to extreme delays in the make ready process. There is no doubt that with full access rights, regulated rates, and the ability to timely deploy DAS networks, wireless users across the country will benefit.

All of the barriers to deploying DAS have a significant impact on the cost of deployment. The record contains examples of monopoly rental rates of thousands of dollars per pole for wireless attachers. Denials of access result in providers having to plant additional infrastructure in the right of way or completely deter the deployment of DAS in that service area, depriving users of improved coverage, capacity, and competition. And, the costs of delay are significant and can result in fewer deployments.

The Cost of Delay

According to a large national neutral host DAS provider, delays in deployment cost an estimated \$1,000 per node per month. This figure factors only the direct actual costs associated with delay per node. There are also losses of revenue that must be accounted for. The DAS provider loses revenue for every day a node is not brought on air. The wireless provider—or providers if it is a multitenant system—has an opportunity cost associated with the inability to provide service or improve coverage or capacity. In total, the cost of delay per node per month is thousands of dollars.

This misallocation of resources results in inefficiency in the market. DAS providers are forced to waste limited resources dealing with undue delays in the make ready process. Increased costs and lost revenue impact DAS providers' ability and opportunity to grow their businesses and deploy new networks. Full access rights, regulated rates and timely access increases the viability of DAS as a complement to macro wireless facilities to the benefit of wireless users across the country. With improved regulatory certainty, including for pole top access and make ready timelines as proposed by the DAS Forum, an estimated 2,500 to 5,000 additional wireless attachments may be deployed annually.

The Commission has before it an opportunity to provide substance to the rights of wireless attachers to utility poles. Full access rights, including to the pole top, regulated rates and timely access are essential to furthering the business case for DAS and other wireless attachments to utility poles as a highly valuable component of the nation's wireless infrastructure.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter will be filed via ECFS with your office. Please do not hesitate to contact the undersigned with any questions.

Sincerely,

 /s/
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